

REMARKS

Claims 1-12 were originally presented in the subject application, and claims 13-16 added during prosecution. Claims 5-11 and 13-16 have hereinabove been amended, and claims 17 and 18 added, to more particularly point out and distinctly claim the subject invention. No claims have herein been canceled. Therefore, claims 1-18 remain in this case.

The addition of new matter has been scrupulously avoided.

Applicants respectfully request reconsideration and withdrawal of the grounds of rejection and objection.

35 U.S.C. §112 Rejection

The Office Action rejected claims 5-16 under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

With regard to claims 7 and 8, the Office Action cited the "adapted for" language as unclear, and questioned whether they were system claims. In response, Applicants have amended claim 7 to be an independent system claim version of claim 1. Claim 8 has been amended to be a system claim version of claim 3, depending from claim 7, and a new claim 17 has been added as a system claim version of claim 4 that depends from claim 8. As amended, Applicants submit the noted rejection of claims 7 and 8 have been addressed.

With regard to claims 5, 6, 13 and 16, the Office Action cited the use of the trademark/trade name JAVA. Since the JAVA programming language is one example of an object-oriented programming language (see the application at page 2, lines 16-20, for example), Applicants have amended the noted claims to remove all references to JAVA, and replace them with references to a predetermined object-oriented programming language. As amended, Applicants submit the noted §112 rejection of claims 5, 6, 13 and 16 has been overcome.

Claims 7-10 were cited by the Office Action as being unclear whether they are system (claims 7 and 8) and program product (claims 9 and 10) versions of claims 1 and 4. In response,

claims 7 and 8 were addressed above, and claims 9 and 10 have similarly been amended. More specifically, claim 9 has been amended in independent form as a program product version of claim 1, while claim 10 has been amended to be a program product version of claim 3 depending from claim 9, and new claim 18 has been added as a program product version of claim 4 depending from claim 10. As amended, Applicants submit the noted §112 rejection of claims 7-10 has been overcome.

With regard to claim 11, the Office Action cited use of the term "preferably." In response, claim 11 has been amended to remove the term. As amended, Applicants submit the noted §112 rejection of claim 11 has been overcome.

With regard to claims 14 and 15, the Office Action cited use of the phrase "capable of." In response, claims 14 and 15 have been amended to remove the noted phrase. As amended, Applicants submit the noted §112 rejection of claims 14 and 15 has been overcome.

Finally, regarding claim 16, the Office Action alleged two things: (1) that it is unclear how the claimed accessing is performed; and (2) that it is unclear "...how assigning the identifier in claim 1 further limit[s] claim 16[.]". Applicants respectfully, but most strenuously, traverse this rejection.

With regard to (1) above, Applicants are aware of no statute, case law, rule or even MPEP section requiring that a given claim reciting a particular step (e.g., accessing something) explain within the claim itself how the step is performed. If the Examiner continues to allege that how the accessing is done must be present in the claim, then he is requested to cite something specifically setting forth such a rule. The details of how a given step in a method claim is accomplished are, as is always the case, provided in the application.

With regard to (2) above, as an initial matter, claim 16 depends from claim 1. It is a basic concept of claim drafting that it is dependent claims that further limit independent claims. Thus, claim 1, being an independent claim, will never further limit claim 16, which depends therefrom. Moreover, limitations in a dependent claim need not specifically further limit any given limitation in the claim(s) from which it depends. What is necessary for a proper dependent claim is that one or more additional limitations result from the dependent claim. For example, if claim

1 recited elements A and B, claim 2 (depending from claim 1) need not include any limitations specifically directed to either elements A or B, but could instead add a third element C.

Notwithstanding the remarks made above, in an attempt to further prosecution, Applicants have amended claim 16 to recite that the set of software components of claim 1 is accessible by the subset of instructions. As amended, there is a clear connection between claims 1 and 16.

35 U.S.C. §102 Rejection

The Office Action rejected claims 1-16 under 35 U.S.C. §102(a), as allegedly anticipated by Giorgio et al. ("Write OpenCard services for downloading Java Card apps"). Applicants respectfully, but most strenuously, traverse this rejection.

Independent claims 1 and 11 both recite a set of software components that can be partly or entirely assembled into a software application. Further, both claims recite that the software components are self-contained, reusable software units that can be visually composed into applets or applications using visual application builder tools.

In contrast, Giorgio et al. discloses monolithic block applications, and not software components. Applicants submit that neither applications nor applets are software components, the claim recitation making clear that applets and applications can be composed out of the software components. Thus, the software components are at a different, lower level than applets and applications. In short, Giorgio et al. does not employ a component model.

In addition, the claimed numeric identifiers for the software components are also not disclosed in Giorgio et al. The cited AID (application identifier) in Giorgio et al. does as its name implies, i.e., identify applications, and applications are not software components as claimed. Software components can be combined into applications, and are simply at a lower level than applications. Thus, the Giorgio et al. application identifier does not identify software components.

Therefore, Applicants submit that neither claim 1 nor claim 11 can be anticipated by or made obvious over Giorgio et al.

-10-

DE919990078

Applicants further submit that the dependent claims not specifically addressed herein are allowable for the same reasons as the independent claims from which they directly or ultimately depend, as well as for their additional limitations.

For example, claim 2 recites that the numeric identifier for the software components comprises 8 or 16 bits in length. Against claim 2, the Office Action cites to the application identifier of Giorgio et al. However, as noted above, the AID identifies applications, which are not software components as claimed.

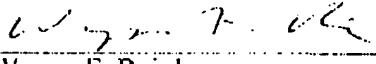
As another example, amended claim 5 recites providing the apparatus of claim 1 with a full virtual machine being able to execute every instruction for a predetermined object-oriented programming language. Against claim 5, the Office Action cites to the first paragraph of Giorgio et al. at page 20. However, even a cursory review of the cited paragraph reveals no disclosure, teaching or suggestion of a full virtual machine. Noting the advantages of "an all-Java development environment" simply says nothing regarding accessing a full virtual machine.

CONCLUSION

For all the above reasons, Applicants maintain that the claims of the subject application define patentable subject matter and earnestly request allowance of claims 1-16.

If a telephone conference would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

Respectfully submitted,


Wayne F. Reinke
Attorney for Applicants
Registration No.: 36,650

Dated: July 7, 2005.

HESLIN ROTHENBERG FARLEY & MESTITI P.C.
5 Columbia Circle
Albany, New York 12203-5160
Telephone: (518) 452-5600
Facsimile: (518) 452-5579